



PERMITTING AND DEVELOPMENT REVIEW DIVISION  
FREDERICK COUNTY, MARYLAND  
*Department of Permits and Inspections*

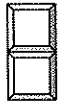
30 North Market Street • Frederick, Maryland 21701  
Phone (301) 600-2313 • Fax (301) 600-2309

**BUILDING PERMIT INFORMATION  
RESIDENTIAL DECK**

Check each box after verifying that  
requirement is met for submittal.

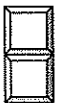
**Submittal Requirements**

Verified by Staff:  
Date:



1. Completed application form for Residential Uses – Decks, Attachment (A).
2. Two copies of plot plan. See sample, Attachment (B). When at all possible, a legal survey should be used. If a survey is not being used, the plot plan can be drawn by hand. It must be legible and drawn to scale. Plot plan must be on letter or legal size paper, and must include the following:

- |   |   |
|---|---|
| <input type="checkbox"/> All property lines and property line dimensions        | <input type="checkbox"/> Existing well if property is served by well.   |
| <input type="checkbox"/> Square footage or acreage of the property              | <input type="checkbox"/> Existing septic area if property is served by septic.  |
| <input type="checkbox"/> Building Restriction Lines (BRL) and utility easements | <input type="checkbox"/> Existing driveway  |
| <input type="checkbox"/> North direction arrow                                  | <input type="checkbox"/> Detailed dimensions of the proposed new construction.  |
| <input type="checkbox"/> Scale of drawing                                       | <input type="checkbox"/> Proposed new construction location with setbacks from the proposed new construction to <u>property lines and/or the nearest structure IN EACH DIRECTION.</u> |
| <input type="checkbox"/> Property Owner name(s)                                 |   |
| <input type="checkbox"/> Street Address of property                             |   |
| <input type="checkbox"/> Existing dwelling and any other existing structures    |   |



3. Two (2) sets of framing plans, per requirements noted in Attachment (C) Decks.



4. Print out from the Maryland Department of Assessments and Taxation Real Property Data website [www.dat.state.md.us](http://www.dat.state.md.us).



5. When property is within an incorporated town, paperwork from the town is required before a permit application may be submitted. Contact the town for details.



6. Fees are due at time of application:

<u>Deck 500 sf or less</u>	-OR-	<u>Deck Over 500 sf</u>
\$ 10.00 Automation Enhancement Fee		\$ 10.00 Automation Enhancement Fee
\$ 28.00 Filing Fee		\$ 28.00 Filing Fee
\$ 82.00 Building Fee		\$ 105.00 Building Fee
\$ 52.00 Zoning Review Fee		\$ 52.00 Zoning Review Fee
\$172.00 TOTAL PERMIT FEE		\$195.00 TOTAL PERMIT FEE

and

\$50.00 Health Review Fee if property is served by well and/or septic.



Notarized Letter of permission – the owner or licensed contractor must apply unless the applicant has a notarized letter of permission. The notarized letter of permission must be from the land owner, unless the permission is for a permit service to act on behalf of the contractor, and then the letter will be from the contractor giving permission to the permit service to act as an agent on their behalf.



Incorporated Towns: Same, except no Zoning Review fee; no Health Review fee unless indicated.

Walk-through Permit fees: Fees are the same as above, except there is no Health Review Fee.

## Procedures

### STEP ONE – APPLY FOR THE PERMIT

Where to apply: Applications are accepted in the Department of Permits and Inspections, at the above address.

When Applications Are Accepted: Applications are accepted Monday through Friday, (excluding County holidays) between 8:00am and 3:30pm. To ensure adequate time to complete your submittal, please apply prior to 3:00 pm. Walk-Through Permit applications are accepted between 8:00am and 3:00pm, Monday through Friday.

### STEP TWO – OBTAIN REVIEW APPROVALS

During processing, the permit application will be reviewed by various agencies for their approval. It is important that you check status of the application and address any concerns or requests for additional information promptly.

Plan Review Timeframes:

- Walk-Through Permits. When the property is not served by individual well or septic, and the property is not within an incorporated town, the application may be considered for processing as a Walk-Through Permit. Walk-Through Permit applications are accepted, reviewed, and issued within the same day, usually within hours.
- Conventional Permits. When an application is not eligible for walk-through processing, the review timeframe of the application by Plan is one week for their initial review comments for this type of application.

Agency Review Status: Review timeframes for agencies outside of the Division of Permitting and Development Review may vary. If additional information is requested by any reviewing agency during processing, a notification is mailed to the applicant. Up-to-date review status may also be obtained via the Frederick County Government website [www.FrederickCountyMD.gov/DPDR](http://www.FrederickCountyMD.gov/DPDR).

Permit Issuance:

- Walk-Through Permits. When all reviews are completed, the approved permit packet will be prepared and issued when the applicant returns from obtaining approvals.
- Conventional Permits. The issued permit will be mailed out to the applicant usually within 24 hours of issuance. The issued permit may be held for applicant pick-up if requested.

The issued Building Permit packet will contain the permit copy, the permit placard to post on the property, inspection procedures, and additional information.

### STEP THREE – OBTAIN INSPECTION APPROVALS

Inspections: The permit packet will contain valuable information regarding the inspection procedures, as well as one set of the reviewed construction plans to be kept onsite. Please read all information included in the packet when you receive it, so your inspection process goes as smoothly as possible.

Certificate of Completion: The end result of the permitting process is the issuance of the Certificate of Completion. The Certificate of Completion is issued when all final inspections have been approved and the construction has been approved for use. It is mailed to the applicant of the Building Permit.

### OTHER GENERAL INFORMATION REGARDING BUILDING PERMITS

- All fees must be paid at time of application, by check or cash. Credit or Debit cards cannot be accepted. Permit fees are calculated for each permit application. Each structure, use or permit type require a separate permit application.
- Building fee is charged according to the square footage of the deck. Any increment of a foot is dropped from the measurements.
- Building Permits are non-transferable and non-assignable.
- Electrical and Plumbing Permits are separate permits with separate fees. The licensed person, or a property owner that passes a Homeowner Electrical or Plumbing Exam and is going to do the work applies for these permits.
- Time Limitation of Application: An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant 1 or more extensions of time for additional periods up to 1 year each. each. The fee to extend a permit application or a building permit is the minimum permit fee of \$55.00. Each request to extend a permit shall be made in writing with justification and received *in advance* of expiration date.
- Refunds: Filing fees are non-refundable and non-transferable. In the case of an abandonment or discontinuance of a project that has been made and, upon cancellation, 50 percent of the fee paid, less the minimum fee may be refunded, provided (1) No construction has occurred, and (2) The request for refund is received prior to the expiration date of the permit. The request must be made on a form provided by the County. Revoked, suspended, expired or invalid permits are not eligible for refunds.
- Revisions:
  - Revisions that are in direct response to a plan review comment - The first plan revision or resubmittal is reviewed at no additional charge. The second plan revision or resubmittal is an additional 25% of the original fee, and the third and subsequent plan revision or resubmittal is at 50% of the original fee.
  - All other revisions for Residential Uses are \$28.00.

### CONTACTS FOR BUILDING PERMIT APPLICATIONS

General Information .....	301-600-2313
Customer Service Supervisor, Building Permits (processing or fee questions) .....	301-600-1089
Plan Reviewer (for construction plans) .....	301-600-1086
Zoning Reviewer (plot plans, setbacks, use, flood plain, building height) .....	301-600-1143
Environmental Health (well and septic information) .....	301-600-1726
Manager of Permitting Services .....	301-600-1082

FREDERICK COUNTY DIVISION OF PERMITTING AND DEVELOPMENT REVIEW  
 DEPARTMENT OF PERMITS AND INSPECTIONS  
 30 NORTH MARKET STREET  
 FREDERICK, MARYLAND 21701  
 301-600-2313 INFORMATION



A/P #  
 Process  
 Date:  
 Application Reviewed  
 By (initials):

## Building Permit Application for DECK

### SECTION I: CONTACT INFORMATION

Property Owner			Home Improvement Contractor		
Name(s) of person (s) deck is being constructed for:			Contractor must apply when contracted to do work.		
Current street address for above person(s):			MHIC license number: <span style="float: right;">Exp Date:</span>		
Town:	State:	Zip:	Current street (mailing) address for Contractor:		
Owner telephone Number:  (please give the best number to reach owner during the day)			Town: <span style="float: right;">State: <span style="float: right;">Zip:</span></span>		
<b>Permit Service</b> Name of Permit Service when applicable:			Contact Person for Contractor:		
Street (mailing address) :			Contractor Telephone Number: <span style="float: right;">Fax #</span>		
Town:	State:	Zip:	Contractor e-mail Address:		
Contact Person for Permit Service (Applicant/Contact)					

### SECTION II: PROPERTY INFORMATION

Current Property Owner(s):		Property Address Where Deck is to be Constructed:	
Eight Digit Property Tax ID (account) #		Town: <span style="float: right;">State: <span style="float: right;">Zip:</span></span>	
Acreage or Square Footage of Property:		Subdivision Name: <span style="float: right;">Lot #</span>	
<u>Water Type:</u> Well <input type="checkbox"/> Community <input type="checkbox"/>	<u>Sewer Type:</u> Septic <input type="checkbox"/> Community <input type="checkbox"/>	Is Property Within an Incorporated Town? Yes <input type="checkbox"/> No <input type="checkbox"/>	

Is there a roadside tree that will be disturbed or removed due to the proposed construction?(A roadside tree is defined as a plant that has a woody stem or trunk that grows all, or in part, within the right-of-way of a public road.)

Yes ☐ No ☐

#### Walk-Through Permits

When property is served by public water and sewer, and property is not within an incorporated town, application may be eligible to be processed as a walk-through permit. If you would like to process this application as a walk-through, please check here:

## BUILDING PERMIT APPLICATION FOR DECK - PAGE TWO OF TWO

Cost of Construction: \_\_\_\_\_  
includes electrical, plumbing, labor & materials

Dimensions of Deck (each level)

_____ ft	X	_____ ft
_____ ft	X	_____ ft
_____ ft	X	_____ ft

Steps to Grade? Y or N \_\_\_\_\_

Total square footage of deck: \_\_\_\_\_

Setbacks From Deck to Property Lines/or Nearest Structure  
in Each Direction (3 required):

Front	_____
Rear	_____
Left	_____
Right	_____

Any Electrical Work Involved	Y or N	_____
Any Plumbing Work Involved	Y or N	_____

### OTHER INFORMATION CONCERNING THE CONSTRUCTION THAT WILL ASSIST IN PROCESSING

### IMPORTANT - PLEASE READ CAREFULLY

The Applicant hereby certifies and agrees as follows: 1) That he/she is authorized to make this application, 2) that the information is correct, 3) that he/she will comply with all regulations of Frederick County which are applicable hereto, 4) that he/she will perform no work on the referenced property not specifically described in the application: 5) that he/she knows that this permit does not include electrical or plumbing work: electrical and plumbing work requires a separate permit. Any change without approval of the agencies concerned shall constitute sufficient grounds for the disapproval of a permit. The appropriate revision fee shall be charged.

#### Permit Application Extension:

The permit application is valid for 6 months. The fee to extend an application is the minimum fee. The request must be made in writing prior to the expiration date, with justification. Each extension for an application shall not exceed 6 months.

#### Properties Served by County Water and Sewer:

It is the applicant's responsibility to identify and disclose any water and/or sewer utilities or easements, in, on, or near the proposed improvements. Approval of this permit by DUSWM shall not, on behalf of the BOCC, be construed as a modification or amendment of any water or sewer easement nor constitute permission to encroach thereon. Should an encroachment be found in the future, the cost to remedy said encroachment shall be borne by the property owner.

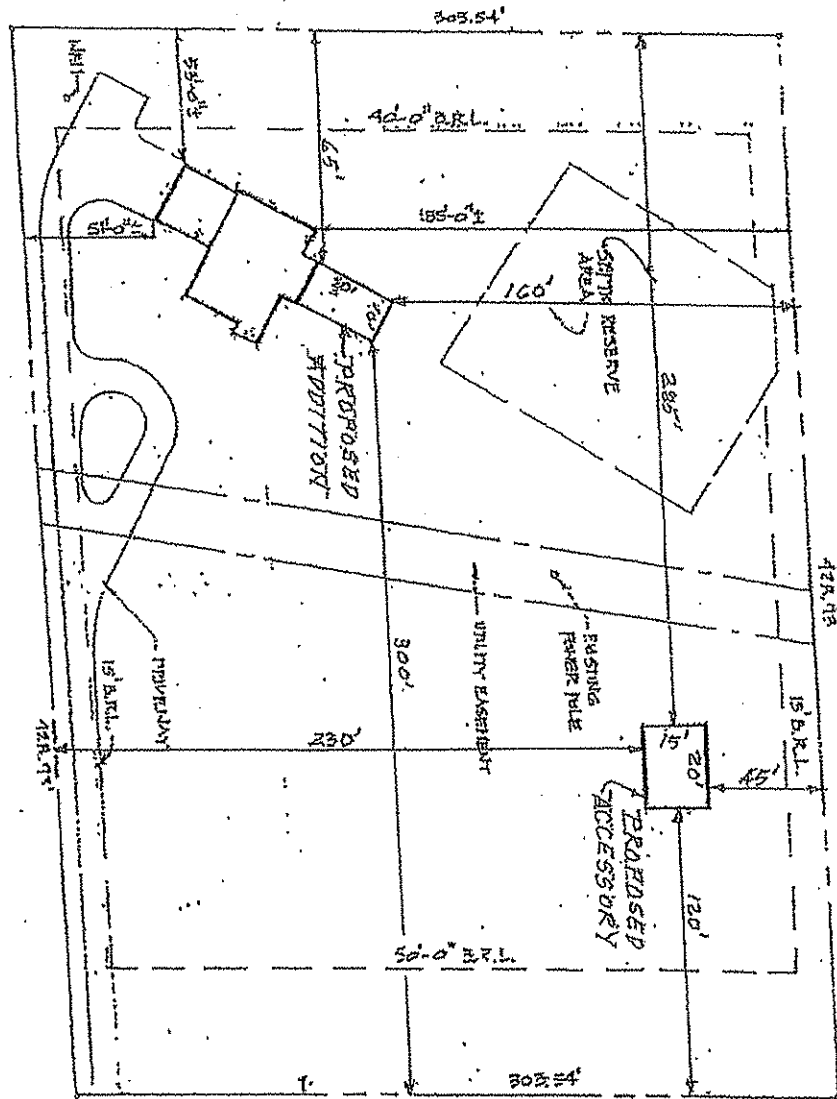
\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Please print name

FY11/Web Packet/Deck/pm

\_\_\_\_\_  
Connection with application

# SAMPLE PLOT PLAN



SUBDIVISION NAME:		OWNER/APPLICANT NAME:		DRAWING SCALE:	
LOT #:	LOT SIZE:	PROPERTY ADDRESS:		PROPERTY TAX I.D. NO.	



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30 North Market Street • Frederick, Maryland 21701  
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PLAN REVIEW SUBMITTAL REQUIREMENTS  
CHECKLIST FOR DECKS

ATTACHMENT (C)

Two sets of framing plans; one set will be returned to you with your approved Building Permit. Plans should be to scale, with scale indicated on plans. An elevation plan showing height of deck above grade is helpful. If additional information is required for the plan review, you will be notified. If you have any questions concerning these requirements, please contact Plan Review, at 301-600-1086.

*Framing plans need to include the following items:*

- ☐ 1) Dimensions of new structure clearly indicated.
- ☐ 2) Joist size and spacing, with direction of joists shown.
- ☐ 3) Size and location of beams.
- ☐ 4) Size and location of posts showing the span between posts.
- ☐ 5) Footing detail with depth of footing, diameter and thickness of concrete.
- ☐ 6) If there is to be a cantilever, indicate the size from end of deck to the post.
- ☐ 7) COMPOSITE OR PVC RAILING OR DECKING: indicate manufacturer and brand name (must be on approved list).
- ☐ 8) STAIRS: if deck is to have stairs, show:
  - a. stair width
  - b. step detail with stringer location
  - c. handrail location
  - d. the number of steps
  - e. guardrail height and location
- ☐ 9) DWELLING ELEVATION AT DECK LOCATION: Please provide this office with an elevation drawing showing deck with stairs (if applicable) and the distance from stairs to locations of all window and door openings.

Also, it is very helpful if you also indicate the decking material, size and direction of decking, the guardrail information with height, spacing and materials used, and if you are attaching to the house, show the bolt size and spacing. This helps our reviewer do your plan review in less time.

*A Deck Information Guide is available from this department, or on the County website at: [www.frederickcountymd.gov/permit](http://www.frederickcountymd.gov/permit)*

## **DECK INFORMATION GUIDE**

FREDERICK COUNTY DEPARTMENT OF PERMITS AND INSPECTIONS  
30 NORTH MARKET STREET FREDERICK, MD 21701 (301) 600-1086  
**(This guideline assumes all lumber to be pressure-treated Southern Pine.)**

1. **GENERAL:**
  - Deck structures shall be designed for a minimum 40 lb. per sq. ft. live load.
  - All wood should be pressure-treated or an approved alternative.
  - Fasteners and connectors for preservative-treated wood shall be of hot dipped zinc-coated galvanized steel, stainless steel, silicon bronze or copper. (See R3717.3 of the IRC)
  - Any alternate decking, guard rail, and hand rail material used **must be approved by Frederick County.**
2. **PLANS:**
  - 2 sets of plans drawn to scale showing all proposed levels are required. Framing plans need to clearly show each level. **Computerized plans from Home Centers/Lumber Yards with separate material list will not be accepted unless the framing plans have the structural elements clearly labeled on the drawings themselves.**
3. **FOOTINGS:**
  - Poured concrete footings should be a minimum of 8" wider than the posts (4x4 post - 12" min. width, 6x6 post - 14" min. width).
  - The bottom of footings must be a minimum of 30" below finish grade level.
  - Footings must be a min. of 8" thick below post bottom.
  - Suggest footings be placed at least 36" away from the house foundation to avoid the back-filled area.
4. **POSTS:**
  - Post can be set directly on the footing with tamped back-fill, enclosed in concrete below grade, or on top of a pier at grade with an approved post anchor.
  - Posts should be a minimum 4x4 lumber size. Recommend using 6x6 lumber size for posts over 8'-0" tall.
  - For posts over 10'-0" tall recommend cross bracing.
5. **BEAMS:**
  - Beams must be solidly connected to the posts and joists.
  - For maximum beam span between posts see Table 1.
  - Note: Certain framing conditions may change these allowable spans.**
6. **JOISTS:**
  - Joists can be set in hangers on the face of the beam or cantilevered over the top of the beam. (See Table 1.)
  - For best strength the maximum cantilever distance should not exceed:  

2 x 8's: 2'
2 x 10's: 3'
2 x 12's: 4'
7. **LEDGERS:**
  - Ledgers should be the same size lumber as the joists (min. 2 x 8) or larger and shall be properly bolted to **solid structural material** of the house (not sheathing).
  - Decks or a portion of a deck may be required to be self-supporting when attaching to an existing house cantilever. Also, if the house band board cannot be verified as structurally adequate, then the deck must be freestanding.

JOIST SPAN	6' or less	6'1"-8'	8'1" - 10'	10'1"-12'	12'1"-14'	14'1"-16'	16'1"-18'
Connection Details	On-center spacing of fasteners						
1/2 inch diameter lag screw with 15/32 inch maximum sheathing	30	23	18	15	13	11	10
1/2 inch diameter bolt with 15/32 inch maximum sheathing	36	36	34	29	24	21	19
1/2 inch diameter bolt with 15/32 inch maximum sheathing and 1/2 inch stacked washers	36	36	29	24	21	18	16



**8. DECKING:**

- When using different species of lumber or composite material follow the manufacturer's recommendations.
- Suggestion: To strengthen the deck structure, the decking may be set at a 45 degree angle across the joists.

**9. RAILS:**

- Guardrails on decks shall be a minimum of 36" in height above the deck surface and are **required** on decks over 30" above grade or level below. Railing systems shall be able to resist a concentrated load of 200 lbs. on or against the top rail at any point and direction.
- Guardrail in-fill shall be designed to withstand a horizontally applied normal load of 50 lbs. per sq. ft.
- Guardrails on stairs must be 34" minimum height above the tread nosing, if the stairs are 30" above grade.
- Balusters/pickets shall have no more than a 4" space between them on level surfaces and no more than 4 3/8" spaced along run of stairs.
- Continuous graspable handrails on stairs shall be between 34" and 38" above the tread nosing (measured vertically) and are **required** on stairs of 4 or more risers. The handgrip portion shall have a circular cross section of 1 1/4" minimum to 2" maximum.

**10. STAIRS:**

- Minimum stair width is 3' at all points above handrail and below required minimum height.
- Max. riser is 7 3/4". Max. riser opening is 4" when more than 30" above floor or walking surface.
- Min. tread is 10" measured horizontally from the leading edge to leading edge. (Nosing not required if tread is min. 11").
- The greatest riser height/tread depth within any flight of stairs shall not exceed the smallest height/depth by more than 3/8" (Tread and riser dimensions cannot exceed min./max. of above items).
- 2 x 12 stringers on stairs are required to be a maximum of 24" O.C.
- All interior and exterior stairways shall be provided with a means to illuminate the stairs, including the landings and treads.

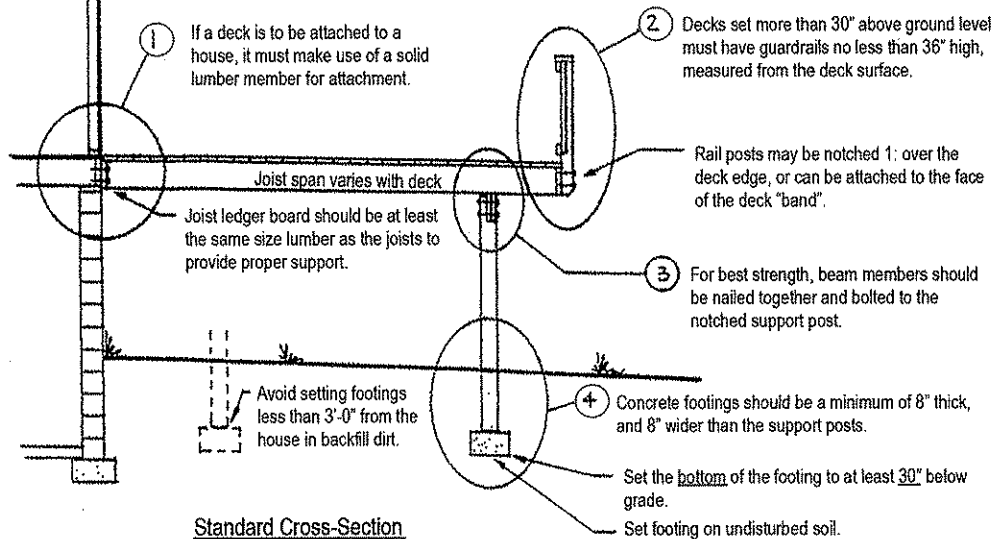
TABLE-1				
Max Beam Spans Between Posts- #2 Southern Pine				
Joist Span	(2) 2x6	(2) 2x8	(2) 2x10	(2) 2x12
6'	9'	11'	14'	16'
8'	7'	10'	12'	14'
10'	7'	9'	10'	12'
12'	6'	8'	10'	14'
14'	6'	7'	9'	10'
16'	5'	7'	8'	10'
With 2' Cantilever				
6' + 2'	7'	9'	11'	12'
8' + 2'	6'	8'	10'	11'
10' + 2'	6'	7'	9'	10'
12' + 2'	5'	7'	8'	10'
14' + 2'	5'	6'	8'	9'
16' + 2'	5'	6'	7'	9'

TABLE-2		
Maximum Joist Span - #2 Southern Pine		
Joist Size	Joist Spacing	Max Span
2x6	12" o.c.	10'-9"
	16" o.c.	9'-9"
	24" o.c.	8'-6"
2x8	12" o.c.	14'-2"
	16" o.c.	12'-10"
	24" o.c.	11'-0"
2x10	12" o.c.	18'-0"
	16" o.c.	16'-1"
	24" o.c.	13'-1"
2x12	12" o.c.	21'-9"
	16" o.c.	18'-10"
	24" o.c.	15'-5"

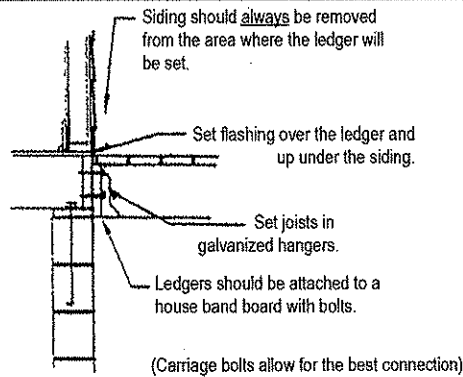
**Code References:**

ICC International Building Code 2009  
ICC International Residential Code 2009

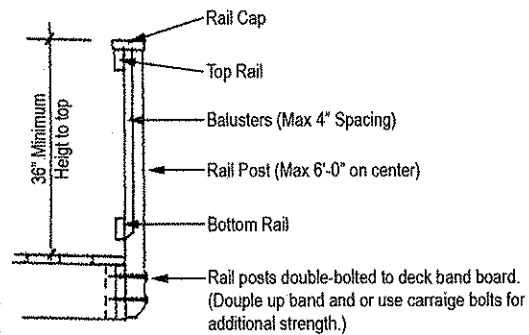
## Standard Deck Construction Information



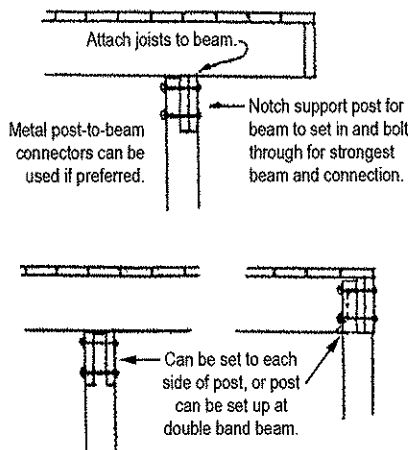
### Standard Cross-Section



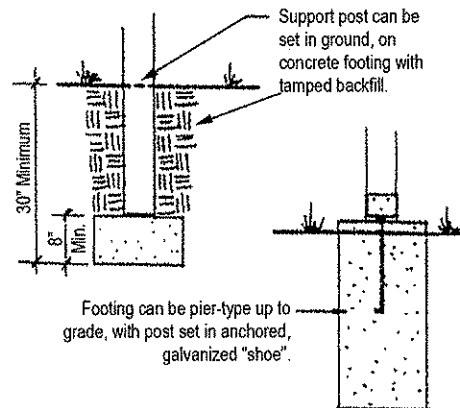
1 **Ledger Detail**  
Shown for Frame/Siding Condition



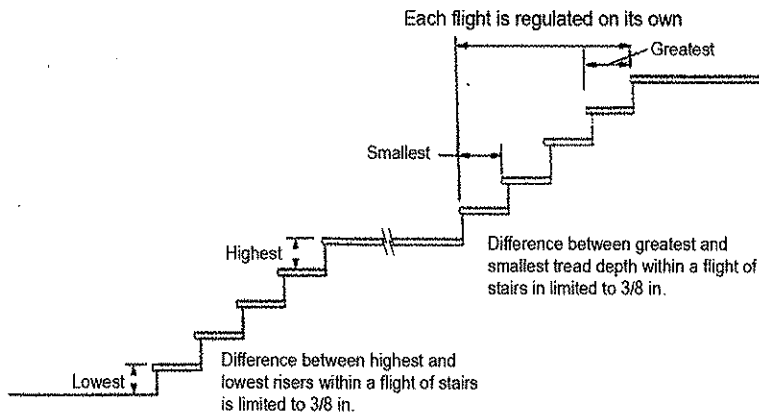
2 **Railing Detail**  
Typical Detail - Many Variations Available



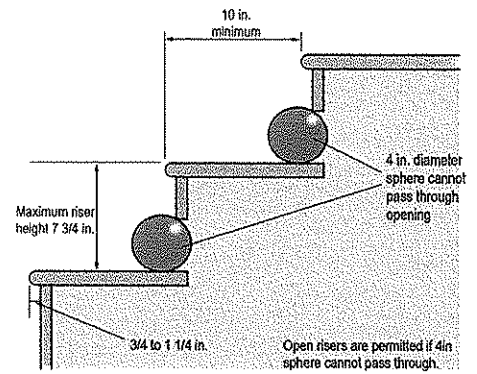
3 **Beam/Post Detail**



4 **Footing Detail**

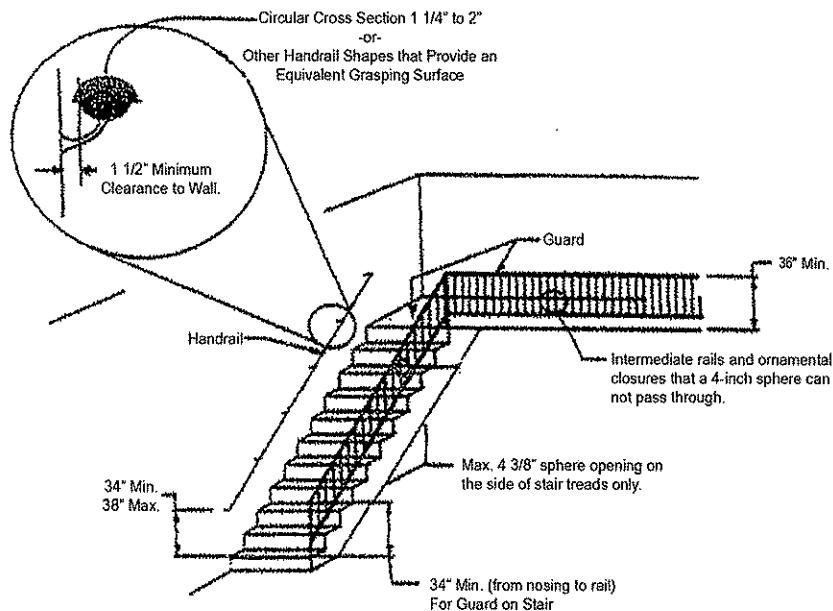


### Stair Tolerances

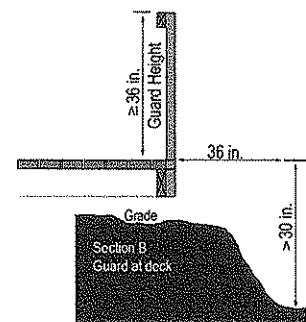
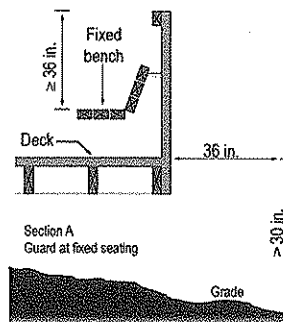
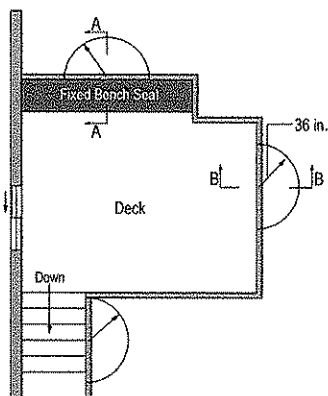


### Tread/Riser Profile (Open Tread)

### Handrail / Guardrail



If a stairway has four or more risers, then the stairway requires a handrail on at least one side.



## **A LIST OF APPROVED PRODUCTS FOR USE AS DECKING & RAILING**

<u><b>Company</b></u>	<u><b>Product</b></u>	<u><b>Report Number</b></u>
Advanced Environmental Recycling Technologies, Inc.	<b>Choicedek® Decking</b>	ESR-2388
	<b>Choicedek® Guardrail Systems</b>	
AZEK Building Products, Inc.	<b>AZEK Decking System</b>	ESR-1667
Certainteed Corp.	<b>Certainteed Kingston (Also Known as Keystone) Railing System</b>	ESR-1555
	<b>Certainteed PVC Deck Planks</b>	NER-605
	<b>Certainteed PVC Railing Systems</b>	
Composatron Manufacturing, Inc	<b>Premier Composite Decking</b>	ESR-1481
	<b>Premier Composite Railing System</b>	NER-709, ESR-1481
Correct Building Products, LLC	<b>CorrectDeck Railing</b>	ESR-1341
Deceuninck North America	<b>Kodiak Composite Rail System</b>	ESR-1425
	<b>Kodiak Composite Deck</b>	
Digger Specialties, Inc.	<b>Eagle and Cardinal Polyvinyl Railing</b>	21-42
Eastern Wholesale Fence Co., Inc.	<b>Illusions® Vinyl Railing System™</b>	ESR-2995
EPOCH Composite Products, Inc.	<b>Tam-Rail</b>	22-22
Fairway Building Products	<b>Fairway Railings (PVC)</b>	
Gossen	<b>Weather Ready Decking (PVC)</b>	
Gracious Living Innovations Inc.	<b>eON Decking</b>	ESR-1300
Homeland Vinyl Products, Inc.	<b>Gorilla Decking</b>	ESR-1657
	<b>Rectangular, T-Rail and R-Rail Guardrail Systems</b>	
L.B. Plastics, Inc.	<b>L.B. Plastics 3000 Series Plastic Railing</b>	ESR-1912
LDI Composites Company	<b>LDI Composites Geodeck™ Guardrail System</b>	ESR-1369
	<b>LDI Composites Geodeck™ Composite Decking</b>	
Millennium Decking, Inc.	<b>Millennium Decking System</b>	ESR-1603
Railing Dynamics, Inc.	<b>Endurance® Railing System</b>	ESR-1849
Royal Crown Limited	<b>Deck Lok Decking and Stair Tread</b>	ESR-1051
Royal Outdoor Products	<b>Brock Deck™ and Triple Crown® Fence</b>	NER-705
Superior Plastic Products Inc.	<b>Railing (Newport 3000 series) and T-Rail (1000 series) PVC</b>	
TAMKO Building Products, Inc.	<b>Epoch Evergrain Wood-Thermoplastic Composite Deck Boards</b>	ESR-1625
	<b>Epoch Evergrain Wood-Thermoplastic Composite Guardrail Systems</b>	
Thermal Industries, Inc.	<b>Dream™ Rail</b>	97-55
	<b>Dream™ Deck</b>	

Timbertech® Limited	5/4 Plank <b>Timbertech®</b> Decking	ESR-1400
	<b>Timbertech®</b> Ornamental Railing System	
Trex Company, Inc.	<b>Trex Railing®</b>	ESR-1848
	<b>Trex®</b> Decking	ESR-2387
UFP Ventures II, Inc.	<b>Veranda®</b> Decking	ESR-1573
US Fence	Williamsburg, Yorktown, Traditional vinyl guardrail assemblies (Yard Smart)	
Westech® Building Products, Inc.	<b>PRESIDIO</b> 6/12 Reversible Deck Board	ESR-2857
	Vinyl Guardrail Systems (Sentinel™ and Reliant™) and Presidio™ PVC Deck Systems	NER-710
	Vinyl Guardrail Systems (Sentinel™ and Reliant™) and Presidio™ PVC Railing	



Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor  
John R. Griffin, Secretary  
Eric Schwaab, Deputy Secretary

effective Oct. 1  
**Roadside Tree Law - Changes to Permit**

Passed in 1914, the Roadside Tree Law and its regulations were developed to protect Maryland's roadside trees by ensuring their proper care and protection and to ensure their compatibility with the public utility system.

Before a roadside tree\* is trimmed or cared for in any way including removed, a **Tree Care Permit must be obtained from the Maryland DNR Forest Service**. A roadside tree is any tree that grows all or in part within a public road right-of-way\*\*. A permit is also needed to plant a tree within the public road right-of-way. Any work (including removals) performed on a roadside tree, 20 feet or greater in height, must be done by a licensed tree expert. If tree care or removal is performed on a roadside tree without a permit, a fine or more severe actions may be assessed by the Maryland DNR Forest Service.

During the 2009 Legislative Session, the Roadside Tree Law (NRA §5-401—5-406, Annotated Code of Maryland) was amended to state: "A county or municipality may not issue a building permit to an applicant for any clearing, construction, or development that will result in the trimming, cutting, removal, or injury of a roadside tree until the applicant first obtains a permit from the Department in accordance with this section." [NRA 5-406(D)] *emphasis added*

\* a roadside tree is defined as a plant that has a woody stem or trunk that grows all, or in part, within the right-of-way of a public road. [COMAR 08.07.02.02.B.(10)]

\*\* right-of-way of a public road is defined as that land the title to which, or an easement for which, is held by the State, county, or a municipality for use as a public road. [COMAR 08.07.02.02.B.(8)] Right-of-ways of a public road that has not been surfaced with either stone, shell, concrete, brick, asphalt, or other improved surface material is exempt. [COMAR 08.07.02.03A.(2)]

**To determine if a permit has been issued:**

A website query is currently being developed which will allow the public to query an address or the city to determine if a permit has been issued. This will be located on the MD Forest Service website. The query can only indicate if a permit has been issued. *A negative response from the Roadside Tree Permit Query may indicate that either a roadside tree permit was not requested at this address or that there are no roadside trees at this address (and no permit is required).* Please remember that all applicants receive a paper permit and can submit these as requested.

**If the applicant needs a roadside tree permit, a permit can be obtained at:**

To obtain a permit: <http://www.dnr.state.md.us/download/060905rtp.doc>

Mail the completed form to: [http://www.dnr.state.md.us/forests/art/county\\_map.asp](http://www.dnr.state.md.us/forests/art/county_map.asp)

**To learn more about Roadside Tree Law:** <http://www.dnr.state.md.us/forests/programapps/newrtlaw.asp>

**For further information, please contact:**

Eastern Region:	Central Region:	Southern Region:	Western Region:
(Caroline, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties)	(Baltimore, Carroll, Cecil, Harford, Howard, and Montgomery Counties)	(Anne Arundel, Calvert, Charles, Prince George's, and St. Mary's Counties)	(Allegany, Frederick, Garrett, and Washington Counties)
Kathy Kronner MD Forest Service (410)-543-1950 <a href="mailto:kkronner@dnr.state.md.us">kkronner@dnr.state.md.us</a>	Tod Ericson MD Forest Service (410) 836-4578 <a href="mailto:tericson@dnr.state.md.us">tericson@dnr.state.md.us</a>	Horace Henry MD Forest Service (410) 360-9774 <a href="mailto:hhenry@dnr.state.md.us">hhenry@dnr.state.md.us</a>	Becky Wilson MD Forest Service (301) 777-5591 <a href="mailto:bwilson@dnr.state.md.us">bwilson@dnr.state.md.us</a>

Marian Honecny, Supervisor Urban & Community Forestry, (410) 260-8511 or via email at [mhonecny@dnr.state.md.us](mailto:mhonecny@dnr.state.md.us)

Tawes State Office Building • 580 Taylor Avenue • Annapolis, Maryland 21401

410.260.8DNR or toll free in Maryland 877.620.8DNR • [www.dnr.maryland.gov](http://www.dnr.maryland.gov) • TTY users call via Maryland Relay

## Roadside Tree Permit – Typical Situations 9/17/09

